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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,597	03/30/2004	John C. Gano	970194UIDIRIDIUSA	3129

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EXAMINER

SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/812,597

Applicant(s)

GANO ET AL.

Examiner

George Suchfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |



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1.

1. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 6,189,616 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

2. The reissue oath/declaration filed with this application is defective because it fails to contain a statement that all errors which are being corrected in the reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of the applicant. See 37 CFR 1.175 and MPEP § 1414.

3. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.

Claims 14-60 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Head (5,918,677) in view of Owen et al (3,746,091).

Head (note Figures 2, 3, 10 and 12C; col. 7, lines 26-38 and col. 9, lines 44-57) discloses a method and system for interconnecting respective tubing or casing sections (12-16), including a step or system completion wherein respective ends of the casings are permanently joined together, e.g., "by means of an expanding swaging tool" (col. 9, lines 50-57).

It is deemed that a casing or tubing section, such as tubing (14) can be construed as comprising "a wellbore connector", as called for in claim 18, insofar as upon completion of the installation process, such tubing section will "connect" upper tubing section (13) with the lower

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tubing section (15). It is further noted, in this regard, that the upper portion of tubing section or member (15) is clearly “expanded”, as indicated, e.g., in Figures 10 and 12C. It is further deemed that the adjacent lower end of the adjoining tubing section (14), i.e., the “wellbore connector”, will similarly, inherently or necessarily, be expanded as per the upper portion of tubing section (15), insofar as both ends are “permanently deformed together” and through the application of the “expanding swaging tool”.

Head does not disclose or depict a “sealing material” positioned between the tubular member and wellbore connector, as further called for in claim 18, however, Owen et al (note col. 7, lines 7-16) discloses a method and system for expanding a metal liner (13) against a casing string (21) with the additional provision of a “coating of a supplementary material” on the exterior surface of the expandable liner “to facilitate effecting a seal” between the liner (13) and casing (21).

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to similarly provide “a sealing material” on the exterior surface of the tubing section (15) in the method and system of Head, as taught by Owen et al, in order to enhance or improve the seal between the lower tubing section (15) and wellbore connector (13) upon expansion of the lower tubing section.

7. Claims 18, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Russian Published Application (RU 2079633) in view of Owen et al (3,746,091).

RU ‘633 (note the “Description:” of the provided translation and Figure 1) discloses a method and system for drilling and completing an additional or deviated wellbore off the main wellbore. In this regard, RU ‘633 in Figure 1 depicts an intermediate “shaped piping” or

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casing/tubing section (8) interconnecting a lower casing/tubing section (12) with the main wellbore (1). Accordingly, such intermediate casing or tubing section (8) can be construed as comprising “a wellbore connector”, as called for in claim 14. Also, the wellbore connector (8) is clearly expanded into borehole sections (7) and (9), as illustrated, while the lower “expandable shaped piping” or tubing or casing (12) is clearly expanded into the expanded wellbore connector region (14), as further called for in claims 18 and 26.

Further with regard to independent claim 26, the tubing or piping section (8) comprising the wellbore connector clearly comprises a “flow passage” which is expanded before the lower tubing or piping (12) is expanded, with the initial expansion thereof effected by fluid pressure or “inflating”.

Upon expansion of the lower tubing (12) into the lower expanded region (14) of the wellbore connector and enlarged borehole, the upper end (13) of lower tubing (12) will be inherently or necessarily expanded, sealed and/or plastically deformed within said expanded region (14), especially as the illustration of Figure 1 clearly depicts a metal-to-metal seal (note the deformation depicted), as called for in claims 18 and 26.

RU'633 does not disclose or depict a “sealing material” positioned between the lower tubing or piping (12) and wellbore connector (8), as further called for in claims 18 and 26, however, Owen et al (note col. 7, lines 7-16) discloses a method and system for expanding a metal liner (13) against a casing string (21) with the additional provision of a “coating of a supplementary material” on the exterior surface of the expandable liner “to facilitate effecting a seal” between the liner (13) and casing (21).

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Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to similarly provide “a sealing material” on the exterior surface of the upper end (13) of the lower tubing (12) in the method and system of RU’633, as taught by Owen et al, in order to enhance or improve the seal between the lower tubing (12) and wellbore connector or flow passage (8) upon expansion of the lower tubing section.

As per claim 27, the sealing material on the outer upper end (13) of the lower tubing (12) in the modified method and system of Owen et al will necessarily “sealingly engage” the flow passage (8) within the expanded section (9) of the flow passage. and 34, note the translation indicates the two-phase expansion of the respective tubing section comprises an initial phase wherein the casing or tubing, such as (8) or (12) is secured to the end of a drill string, thus preventing movement relative to the wellbore connector during the expansion.

8. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.


Contrary to applicant's arguments or assertion that the submitted reissue declaration should overcome the objection and/or rejection of the claims based on an inadequate reissue declaration, since additional amendments to the claims have been set forth, a supplemental declaration must be filed, meeting the requirements noted above in Para 3). Such supplemental reissue declaration must also be signed as of the date of applicant's response/amendment(s) in response to this action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 571-272-7036. The examiner can normally be reached on M-F (6:30 - 3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Suchfield  
Primary Examiner  
Art Unit 3672

Gs  
April 20, 2005